

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS – FORT WORTH DIVISION

OFFICE OF THE ATTORNEY GENERAL
OF TEXAS,

Plaintiff,

v.

Case No. 4:24-cv-785

U.S. CUSTOMS & BORDER
PROTECTION

Defendant.

EXHIBITS TO COMPLAINT
FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Exhibit A – FOIA Request No. 1
2. Exhibit B – FOIA Request No. 2
3. Exhibit C – FOIA Request No. 3
4. Exhibit D – FOIA Request No. 4
5. Exhibit E – CBP July 10, 2024 E-mail
6. Exhibit F – CBP July 11, 2024 E-mail

EXHIBIT A

FOIA Request No. 1



1

2

3

4

5

6



Agency/Component

Contact
Information

Request Details

Additional
Information

Fees

Request Expedited
Processing

The FOIA applies to federal agencies, which are defined as any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including certain offices in the Executive Office of the President), or any independent regulatory agency.

Agency (required)

Department of Homeland Security

Component (required)

U.S. Customs & Border Protection

Agency/Component Details

Agency: Department of Homeland Security**Component:** U.S. Customs & Border Protection**Component** U. S. Customs and Border Protection (CBP) is one of the Department of Homeland Security's**Description:** largest and most complex components. It has responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. laws and regulations, including

Contact

Information:

**U.S. Customs and
Border Protection**

BACK

NEXT

CANCEL

**Submission
Instructions:**

- Records related international travel to / from the United States or Apprehensions / Detentions by U.S. Border Patrol. If you are requesting records about a client or other third party, you will receive greater access to their records if you provide authorization from the subject allowing the agency to release their records to you. For additional information on the requirements of that authorizations, please consult 6 C.F.R. 5.3(a)(4).
- Other agency records including policy documents, agency data, communications, contracts, import/export information, seizures, penalties, etc.

When submitting a FOIA request on records that pertain to international travel or USBP apprehensions, please include the following:

- Full name
- Mailing Address
- Date of birth
- Identifiers (Passport Number, Alien number (A number), FINS)
- Parents' names
- Any aliases you may have used

When submitting a FOIA request on records that pertain to Agency Information it is helpful if requesters provide as much information as possible about the subject of their request, including such information as:

- CBP contract numbers
- CBP vacancy announcement numbers
- Entry numbers
- Seizure/Penalty numbers

Required Documentation

- If you are requesting records about yourself, submit a signed Certification of Identity form, or a perjury statement and signature or notary.
- If you are requesting records about someone other than yourself, submit a signed G-28

Case 4:24-cv-00785-P Document 1-1 Filed 08/15/24 Page 5 of 41 PageID 14

form (Notice of Entry of Appearance as Attorney or Accredited Representative), or some other form of signed consent that will allow CBP to release the records to a 3rd party.



When seeking e-mail communications, it is helpful to include suggested keywords, custodians, and the date range in which the communications were likely sent or received.

Once your request is submitted you will receive an acknowledgment and a FOIA tracking number. After your FOIA request is acknowledged you can track the status of your request at any time. Please note that the FOIA process is not intended to be a mechanism for asking questions of CBP. FOIA requests are intended to provide access to CBP records.

To Receive Your Records as Efficiently as Possible

- **Be sure to read this entire page**, to ensure you request records the right way, from the right agency.
- **Visit the CBP Reading Room** and the **DHS Reading Room** to confirm we have not already posted the records you need.
- **Provide as much specificity as possible**, as we can return precise requests faster.
- **Make your request with the right agency** by reviewing the sections below.

Record/Request Type	Where to Submit FOIA Request
A-file, I-130, N-400, Petition Status	U.S. Citizenship and Immigration Services (USCIS)
Deportation Records, Medical Records (while detained), Student and Exchange Visitor Information	Immigration and Customs Enforcement (ICE)
Inquiries or Resolution Regarding Difficulties Experienced During Travel (If you experience repeated referrals for security screenings or you believe that you have been denied	DHS Traveler Redress Inquiry Program (DHS TRIP)

boarding or entry into the U.S. because of inaccurate information in law enforcement databases)



For more information on the CBP FOIA office, visit our website at <https://www.cbp.gov/site-policy-notices/foia>.

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Agency/Component

Contact Information

Request Details

Additional Information

Fees

Request Expedited Processing



The description of the records you are requesting is important. The scope of your request can impact how quickly an agency can respond to your request. Your description should be as clear and specific as possible and must give agency personnel enough detail so that they are able to reasonably determine exactly which records are being requested and where to locate them.

Request Type (required)

FOIA Request



FOIA: For records created or maintained by the agency and/or under agency control, except for those records (or portions of those records) that are protected from disclosure by any of nine exemptions or three exclusions. ([More about FOIA](#))

Privacy Act: For records where you are the subject of the record or an appropriate designee. This only applies where the subject person for the record is a U.S. citizens or alien lawfully admitted for permanent residence.

Note: There is no statutory requirement for the agency to create records that do not exist under either request type.

Request Description (required)

A brief and clear description of the information you'd like to receive. Please be as specific as possible.

All e-mail and text communications between Gloria I. Chavez (Chief Patrol Agent, U.S. Border Patrol, Rio Grande Valley Sector) and Norma Pimentel of Catholic Charities Rio Grande Valley, between the dates of January 1, 2023 and March 4, 2024.

BACK

NEXT

CANCEL



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Request Submitted

OK

Agency/Component

Information

Details

Information

Fees

Request
Expedited
Processing

Agencies generally process requests on a first-in, first-out basis. Most agencies also use separate tracks to process simple and complex requests with different response timelines. Under certain circumstances, your request may qualify for placement into a separate, expedited track where the agency will process it as soon as practicable. Your request may qualify for expedited processing if they can demonstrate a compelling need for the records. Agencies may also establish additional standards for granting expedited processing. Requesters must demonstrate how they meet one of the standards in order to have their request processed on an expedited basis.

 Request Expedited Processing**Justification for Expedited Processing** (required if "Request Expedited Processing" is selected)

When making a request for expedited processing you must explain how your request meets one of the expedition standards described above. Leave this blank if you are not requesting expedited processing.

BACK

SUBMIT REQUEST

CANCEL



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EXHIBIT B

FOIA Request No. 2



1

2

3

4

5

6



Agency/Component

Contact
InformationRequest
DetailsAdditional
Information

Fees

Request
Expedited
Processing

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Agency (required)

Department of Homeland Security ▾

Component (required)

U.S. Customs & Border Protection ▾

Agency/Component Details

Agency: Department of Homeland Security**Component:** U.S. Customs & Border Protection

Component U. S. Customs and Border Protection (CBP) is one of the Department of Homeland Security's largest and most complex components. It has responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. laws and regulations, including

**Contact
Information:****U.S. Customs and
Border Protection****Submission
Instructions:**

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BACK

NEXT

CANCEL

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of that authorizations, please consult 6 C.F.R.

5.3(a)(4).

- Other agency records including policy documents, agency data communications, contracts, import/export information, seizures, penalties, etc.



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- CBP contract numbers
- CBP vacancy announcement numbers
- Entry numbers
- Seizure/Penalty numbers

Required Documentation

- If you are requesting records about yourself, submit a signed Certification of Identity form, or a **perjury statement and signature or notary**.
- If you are requesting records about someone other than yourself, submit a signed G-28 form (Notice of Entry of Appearance as Attorney or Accredited Representative), or some other form of signed consent that will allow CBP to release the records to a 3rd party.

When seeking e-mail communications, it is helpful to include suggested keywords, custodians, and the date range in which the communications were likely sent or received.

Once your request is submitted you will receive an acknowledgment and a FOIA tracking number. After your FOIA request is acknowledged you can track the status of your request at any time. Please note that the FOIA process is not intended to be a mechanism for asking questions of CBP. FOIA requests are intended to provide access to CBP records.



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Record/Request Type	Where to Submit FOIA Request
A-file, I-130, N-400, Petition Status	U.S. Citizenship and Immigration Services (USCIS)
Deportation Records, Medical Records (while detained), Student and Exchange Visitor Information	Immigration and Customs Enforcement (ICE)
Inquiries or Resolution Regarding Difficulties Experienced During Travel (If you experience repeated referrals for security screenings or you believe that you have been denied boarding or entry into the U.S. because of inaccurate information in law enforcement databases)	DHS Traveler Redress Inquiry Program (DHS TRIP)

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Agency/Component

Contact Information

Request Details

Additional Information

Fees

Request Expedited Processing



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Request Type (required)

FOIA Request



FOIA: For records created or maintained by the agency and/or under agency control, except for those records (or portions of those records) that are protected from disclosure by any of nine exemptions or three exclusions. ([More about FOIA](#))

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Note: There is no statutory requirement for the agency to create records that do not exist under either request type.

Request Description (required)

A brief and clear description of the information you'd like to receive. Please be as specific as possible.

All e-mail and text communications from Gloria I. Chavez (Chief Patrol Agent, U.S. Border Patrol, Rio Grande Valley Sector) using the terms "Norma Pimentel," "Pimentel," "Sister Norma," "Sr. Norma," "Sister Pimentel," or "Sr. Pimentel," between the dates of January 1, 2023 and March 4, 2024.

BACK

NEXT

CANCEL



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Request Submitted

OK

Agency/Component

Information

Details

Information

Fees

Request
Expedited
Processing

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 Request Expedited Processing**Justification for Expedited Processing** (required if "Request Expedited Processing" is selected)

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BACK

SUBMIT REQUEST

CANCEL



COOKIE SETTINGS

GOVERNMENT SYSTEM NOTICE

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EXHIBIT C

FOIA Request No. 3



1

2

3

4

5

6



Agency/Component

Contact
InformationRequest
DetailsAdditional
Information

Fees

Request
Expedited
Processing

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Agency (required)

Department of Homeland Security ▾

Component (required)

U.S. Customs & Border Protection ▾

Agency/Component Details

Agency: Department of Homeland Security**Component:** U.S. Customs & Border Protection

Component U. S. Customs and Border Protection (CBP) is one of the Department of Homeland Security's largest and most complex components. It has responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. laws and regulations, including

**Contact
Information:****U.S. Customs and
Border Protection****Submission
Instructions:**

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BACK

NEXT

CANCEL

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of that authorizations, please consult 6 C.F.R.

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- Other agency records including policy documents, agency data communications, contracts, import/export information, seizures, penalties, etc.



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When submitting a FOIA request on records that pertain to Agency Information it is helpful if requesters provide as much information as possible about the subject of their request, including such information as:

- CBP contract numbers
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- Entry numbers
- Seizure/Penalty numbers

Required Documentation

- If you are requesting records about yourself, submit a signed Certification of Identity form, or a **perjury statement and signature or notary**.
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Record/Request Type	Where to Submit FOIA Request
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Inquiries or Resolution Regarding Difficulties Experienced During Travel (If you experience repeated referrals for security screenings or you believe that you have been denied boarding or entry into the U.S. because of inaccurate information in law enforcement databases)	DHS Traveler Redress Inquiry Program (DHS TRIP)

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Agency/Component

Contact Information

Request Details

Additional Information

Fees

Request Expedited Processing



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Request Type (required)

FOIA Request



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Note: There is no statutory requirement for the agency to create records that do not exist under either request type.

Request Description (required)

A brief and clear description of the information you'd like to receive. Please be as specific as possible.

All e-mail and text communications between Carlos Rodriguez (Port Director for Hidalgo Port of Entry, U.S. Customs and Border Protection) and Norma Pimentel of Catholic Charities Rio Grande Valley, between the dates of January 1, 2023 and March 4, 2024.

BACK

NEXT

CANCEL



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Request Submitted

OK

Agency/Component

Information

Details

Information

Fees

Request
Expedited
Processing

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 Request Expedited Processing**Justification for Expedited Processing** (required if "Request Expedited Processing" is selected)

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BACK

SUBMIT REQUEST

CANCEL



COOKIE SETTINGS

GOVERNMENT SYSTEM NOTICE

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EXHIBIT D

FOIA Request No. 4



1

2

3

4

5

6



Agency/Component

Contact
InformationRequest
DetailsAdditional
Information

Fees

Request
Expedited
Processing

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Agency (required)

Department of Homeland Security ▾

Component (required)

U.S. Customs & Border Protection ▾

Agency/Component Details

Agency: Department of Homeland Security**Component:** U.S. Customs & Border Protection

Component U. S. Customs and Border Protection (CBP) is one of the Department of Homeland Security's largest and most complex components. It has responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. laws and regulations, including

**Contact
Information:****U.S. Customs and
Border Protection****Submission
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BACK

NEXT

CANCEL

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Agency/Component

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BACK

NEXT

CANCEL



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Request Submitted

OK

Agency/Component

Information

Details

Information

Fees

Request
Expedited
Processing

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BACK

SUBMIT REQUEST

CANCEL



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GOVERNMENT SYSTEM NOTICE

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EXHIBIT E

CBP July 10, 2024 E-mail

Sent: Monday, June 10, 2024 4:15 PM

To: Rozanne Lopez <Rozanne.Lopez@oag.texas.gov>

Subject: CBP FOIA - CBP-FO-2024-121081

Rozanne Lopez
Office of the Attorney General - Consumer Protection Division
300 W. 15th Street
9th Floor
Austin, Texas 78701

06/10/2024

CBP-FO-2024-121081

Dear Rozanne Lopez:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 6/7/2024. Please use the following unique FOIA tracking number CBP-FO-2024-121081 to track the status of your request. We have combined your multiple request into one. Your other request will be closed out as a duplicate. If you have not already done so, you must create a SecureRelease account. This is the only method available to check the status of your pending FOIA request.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). As your request seeks documents that will require a thorough and wide-ranging search, CBP will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c).

CBP's FOIA Division is working hard to reduce the amount of time necessary to respond to FOIA requests. We truly appreciate your continued patience.

For additional information please consult CBP FOIA website please click on FOIA Act Resources or visit <http://www.cbp.gov/site-policy-notices/foia>.

Please note that this message has been sent from an unmonitored e-mail account. Any messages sent to this account will not be read.

Sincerely,

U.S. Customs and Border Protection

EXHIBIT F

CBP July 11, 2024 E-mail

From: cbpfoia@cbp.dhs.gov <noreply@securerelease.us>

Sent: Tuesday, June 11, 2024 8:23 AM

To: Rozanne Lopez <Rozanne.Lopez@oag.texas.gov>

Case 4:24-cv-00785-P Document 1-1 Filed 08/15/24 Page 41 of 41 PageID 50

Subject: CBP FOIA - CBP-FO-2024-121081

Rozanne Lopez
Office of the Attorney General - Consumer Protection Division
300 W. 15th Street
9th Floor
Austin, Texas 78701

06/11/2024

CBP-FO-2024-121081

Dear Rozanne Lopez:

This notice acknowledges receipt of your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) received on 6/7/2024. Please use the following unique FOIA tracking number CBP-FO-2024-121081 to track the status of your request.

CBP-FO-2024-121101, CBP-FO-2024-121118, and CBP-FO-2024-121130 have been closed, as your requests for records have been consolidated under CBP-FO-2024-121081.

Provisions of the Act allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations outlined on the DHS website, <https://www.federalregister.gov/documents/2016/11/22/2016-28095/freedom-of-information-act-regulations>. By submitting your request, you have agreed to pay up to \$25.00 in applicable processing fees, if any fees associated with your request exceed this amount, CBP shall contact you; however, the first 100 pages are free.

Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, CBP processes FOIA requests according to their order of receipt. Although CBP's goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances pursuant to 6 C.F.R. Part 5 § 5.5(c). Please note that due to the increasing number of FOIA requests received by this office, and a current backlog, it may take 6-9 months to receive a response to your FOIA request. We are diligently working to process each request as quickly as possible, in the order they were received. We appreciate your patience during this time.

For additional information please consult CBP FOIA website please click on FOIA Act Resources or visit <http://www.cbp.gov/site-policy-notices/foia>.

Please note that this message has been sent from an unmonitored e-mail account. Any messages sent to this account will not be read.

Sincerely,
U.S. Customs and Border Protection